

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Secretary of State

Rule No. 820-2-10-.08

Rule Title: Delivery of Printed Ballots and Preparation of Electronic Ballot Transmission System.

X New _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Jim Bennett **REC'D & FILED**

Date August 8, 2014

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07/04

Office of the Secretary of State
Administrative Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State.

RULE NO. & TITLE: 820-2-10-.08 Delivery of Printed Ballots
and Preparation of Electronic Ballot
Transmission System.

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION: This proposed rule is
necessary to ensure that printed and electronic ballots for
UOCAVA voters are timely delivered and transmitted in
accordance with federal and state law.

TIME, PLACE, MANNER OF PRESENTING VIEWS:


Views may be presented orally or in writing and should be
addressed to Jean Brown, Chief Legal Advisor, Office of the
Secretary of State, P.O. Box 5616, Montgomery, Alabama
36103; 334-242-7202.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 3, 2014.

CONTACT PERSON AT AGENCY:

Jean Brown, Office of the Secretary of State, State Capitol,
600 Dexter Avenue, Suite S-205, Montgomery, Alabama 36104;
334-242-7202.


(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

APA-2
07/04

NEW

**OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE**

820-2-10-.08

**Delivery of Printed Ballots and
Preparation of Electronic Ballot
Transmission System.**

(1) The Judge of Probate in each county shall prepare the absentee ballots for UOCAVA voters.

(2) Pursuant to Code of Alabama, 1975, section 17-11-12 (2014), the Judge of Probate shall deliver the absentee ballots to the absentee election manager not later than 55 days prior to the primary and general election.

(3) Pursuant to Code of Alabama, 1975, section 17-11-12 (2014), the Judge of Probate shall provide to the Secretary of State as soon as practicable, but in no case later than the 68th day prior to the primary and general election, the absentee ballots in electronic format or as electronic ballot definition files for use in the blank electronic ballot transmission system developed by the Secretary of State.

Author: Edward Packard; Jean Brown; William Sutton.

Statutory Authority: Uniformed and Overseas Citizens Absentee Voting Act, 42 USC § 1973 ff et seq., as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009); Code of Alabama, 1975, sections 17-11-40 et seq., 17-1-3(a), and 17-11-12.

History: New Rule: Filed August 8, 2014.